

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/17/2009 has been entered.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Ebenesar Thomas on 5/4/2009.

The Title in the Specification **filed** on 10/22/2001 should be amended to more clearly describe the claimed invention.

Please Amend the Title in the Specification as follows:

On page 1 **replace** the original title filed 10/22/2001:

INFORMATION OUTPUT/RECORDING APPARATUS/METHOD AND
~~INFORMATION OUTPUT METHOD, INFORMATION RECORDING APPARATUS~~

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~~AND INFORMATION RECORDING METHOD, INFORMATION OUTPUT~~
~~RECORDING SYSTEM AND INFORMATION OUTPUT RECORDING METHOD~~
~~AND INFORMATION RECORDING MEDIUM FOR OUTPUTTING RECORDING~~
~~INFORMATION TOGETHER WITH COPY CONTROL INFORMATION AND~~
~~RECORDING THE INFORMATION THEREIN IN A HIGH SPEED DISTRIBUTION~~
~~ENVIRONMENT~~

Please amend the Claims as follows:

Claims 1, 7, 9-12, 18, 24, 26-29, 32, and 38 should be amended to the claim language as shown below. These amended claims will **replace** claims 1, 7, 9-12, 18, 24, 26-29, 32, and 38 as filed on 4/7/2009:

In claim 1, the amendment filed on 4/7/2009 **has been changed to** -- An information output apparatus for outputting recording information and copy control information to an information recording apparatus which records the recording information and copy control information into a recording medium, the information output apparatus comprising:

a generating device for generating copy control information indicating a number of times the recording information can be recorded;

a multiplexing device for multiplexing the copy control information, which is generated by the generating device, and the recording information;

an output device for outputting the multiplexed information to the information recording apparatus; and

a determining device for determining whether an instruction for a high-speed distribution is issued, wherein the recording information is distributed at a higher speed than the reproducing speed;

wherein, the generating device generates a sign that indicates no more copies are allowed as the copy control information if it is determined that the instructions for high-speed distribution is issued; and

wherein the sign that indicates no more copies is generated at the information output apparatus before being transmitted to the recording apparatus, such that the information recording apparatus records the recording information and the copy control information as modified by the information output apparatus into the recording medium without further modifying the copy control information.--

In claim 7, the amendment filed on 4/7/2009 **has been changed to** -- An information recording apparatus for recording copy control information and recording information into a recording medium, said copy control information and recording information output from an information output apparatus, the information output apparatus comprising:

a generating device for generating copy control information indicating a number of times the recording information can be recorded;

a multiplexing device for multiplexing the copy control information, which is generated by the generating device, and the recording information;

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an output device for outputting the multiplexed information to the information recording apparatus; and

a determining device for determining whether an instruction for a high-speed distribution is issued, wherein the recording information is distributed at a higher speed than the reproducing speed;

wherein the generating device generates a sign that indicates no more copies are allowed as the copy control information if it is determined that the instructions for high-speed distribution is issued; and

wherein the sign that indicates no more copies is generated at the information output apparatus before being transmitted to the recording apparatus,

said information recording apparatus comprising:

an obtaining device for obtaining the output recording information and copy control information; and

a recording device for recording the obtained recording information and copy control information into the recording medium, without further modifying the copy control information;

and a recording control device for controlling the recording device so as to record the recording information and copy control information into the recording medium, only when the recording information and copy control information has been output from the obtaining device at the higher speed, according to the determination result in the determination device.--

In claim 9, the amendment filed on 4/7/2009 **has been changed to** -- An information output recording system comprising an information output apparatus for outputting recording information and copy control information, and an information recording apparatus, wherein said information output apparatus comprises:

- a generating device for generating copy control information indicating a number of times the recording information can be recorded;

- a multiplexing device for multiplexing the copy control information, which is generated by the generating device, and the recording information;

- an output device for outputting the multiplexed information to the information recording apparatus; and

- a determining device for determining whether an instruction for a high-speed distribution is issued, wherein the recording information is distributed at a higher speed than the reproducing speed;

- wherein the generating device generates a sign that indicates no more copies are allowed as the copy control information if it is determined that the instructions for high-speed distribution is issued; and

- wherein the sign that indicates no more copies is generated at the information output apparatus before being transmitted to the recording apparatus,

- said information recording apparatus comprising:

- an obtaining device for obtaining the output recording information and the copy control information; and

a recording device for recording the obtained recording information and copy control information as modified by the information output apparatus into the recording medium, without further modifying the obtained copy control information.--

CANCEL claim 10.

In claim 11, the amendment filed on 4/7/2009 **has been changed to** -- The information output recording system according to Claim [[10]]9, wherein said information recording apparatus comprises:

a recognizing device for mutually recognizing a type of device between the obtaining device and the information recording apparatus; and

a recording control device for controlling the recording device so as to record the recording information and copy control information into the recording medium, only when recognizing that the recording information and the copy control information has been output at the higher output speed from the obtaining device, based on the recognition result in the recognizing device.--

In claim 12, the amendment filed on 4/7/2009 **has been changed to** --The information output recording system according to Claim [[10]]9, wherein

the obtaining device outputs the obtained recording information and copy control information to the information recording apparatus at an output speed, after performing encryption processing corresponding to only the output speed.--

In claim 18, the amendment filed on 4/7/2009 **has been changed to** --An information output method for outputting recording information and copy control information to an information recording apparatus which records the recording information and copy control information into a recording medium, the information output method comprising:

generating copy control information, by a generating device, comprising first copy control information indicating a number of times which the recording information can be recorded;

multiplexing the copy control information, by a multiplexing device, which is generated, and the recording information;

outputting the multiplexed information, by an outputting device, to the information recording apparatus; and

determining whether an instruction for a high-speed distribution is issued, by a determining device, wherein the recording information is distributed at a higher speed than the reproducing speed;

wherein the generating the copy control information comprises generating a sign that indicates no more copies are allowed as the copy control information if it is determined that the instructions for high-speed distribution is issued; and

wherein the sign that indicates no more copies is generated at the information output apparatus before being transmitted to the recording apparatus, such that the information recording apparatus records the recording information and the copy control

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information as modified by the information output method into the recording medium without further modifying the copy control information.--

CANCEL claim 24.

In claim 26, the amendment filed on 4/7/2009 **has been changed to** -- An information output recording method comprising an information output method for outputting recording information and copy control information and an information recording method, wherein said information output method comprises:

generating copy control information, by a generating device, comprising first copy control information indicating a number of times the recording information can be recorded;

multiplexing the copy control information, by a multiplexing device, which is generated, and the recording information;

outputting the multiplexed information, by an outputting device, to the information recording apparatus; and

determining whether an instruction for a high-speed distribution is issued, by a determining device, wherein the recording information is distributed at a higher speed than the reproducing speed;

wherein the generating the copy control information comprises generating a sign that indicates no more copies are allowed as the copy control information if it is determined that the instructions for high-speed distribution is issued; and

wherein the sign that indicates no more copies is generated at the information output apparatus before being transmitted to the recording apparatus, and

said information recording method comprises:

obtaining, by an obtaining device, the output recording information and copy control information; and

recording, by a recording device, the obtained recording information and copy control information as modified by the information output method into the recording medium, without further modifying the copy control information.--

CANCEL claim 27.

In claim 28, the amendment filed on 4/7/2009 **has been changed to** --The information output recording method according to Claim ~~[[27]]~~26, wherein

said information recording method further comprises mutually recognizing a type of device between ~~[[an]]~~ the obtaining device for executing the obtaining method and the information recording apparatus, and

in the recording process, the recording information and the copy control information are recorded into the recording medium, only when it is recognized that the recording information and the copy control information have been output at the higher output speed from the obtaining device, based on the recognized type in the recognizing process.--

In claim 29, the amendment filed on 4/7/2009 **has been changed to** -- The information output recording method according to Claim ~~[[27]]~~26, wherein

in the obtaining process, the obtained recording information and copy control information are output to the information recording apparatus at an output speed, after performing encryption processing corresponding to only the output speed.--

In claim 32, the amendment filed on 4/7/2009 **has been changed to** --An information recording medium in which an output control program recorded in a readable way by an output control computer included in an information output apparatus for outputting recording information and copy control information to an information recording apparatus which records the recording information and copy control information into a recording medium, wherein the output control program stored on the information recording medium causes the output control computer to function as:

a generating device for generating copy control information comprising first copy control information indicating a number of times the recording information can be recorded;

a multiplexing device for multiplexing the copy control information, which is generated by the generating device, and the recording information;

an output device for outputting the multiplexed information to the information recording apparatus; and

a determining device for determining whether an instruction for a high-speed distribution is issued where the recording information is distributed at a higher speed than the reproducing speed;

wherein, the generating device generates a sign that indicates no more copies are allowed as the copy control information if it is determined that the instructions for high-speed distribution is issued; and

wherein the sign that indicates no more copies is generated at the information output apparatus before being transmitted to the recording apparatus, such that the information recording apparatus records the recording information and the copy control information as modified by the information output apparatus into the recording medium without further modifying the copy control information.--

In claim 38, the amendment filed on 4/7/2009 **has been changed to** -- An information recording medium in which a recording control program recorded in a readable medium by a recording control computer included in an information recording apparatus which records copy control information and recording information into a recording medium, ~~said copy control information and recording information output from an information output apparatus for outputting the recording information and the copy control information to the information recording apparatus, said information output apparatus comprising:~~

~~a generating device for generating copy control information comprising first copy control information indicating a number of times which the recording information can be recorded;~~

~~a multiplexing device for multiplexing the copy control information, which is generated by the generating device, and the recording information;~~

~~an output device for outputting the multiplexed information to the information recording apparatus; and~~

~~a determining device for determining whether an instruction for a high-speed distribution is issued where the recording information is distributed at a higher speed than the reproducing speed;~~

~~wherein, the generating device generates a sign that indicates no more copies are allowed as the copy control information if it is determined that the instructions for high-speed distribution is issued; and~~

~~wherein the sign that indicates no more copies is generated at the information output apparatus before being transmitted to the recording apparatus, such that the information recording apparatus records the recording information and the copy control information into the recording medium without further modifying the copy control information; and~~

~~said recording control program causes the output recording control computer to function as:~~

~~an obtaining device for obtaining the output recording information and the copy control information; and~~

a recording device for recording the obtained recording information and copy control information into the recording medium, without further modifying the copy control information; and

a recording control device for controlling the recording device so as to record the recording information and copy control information into the recording medium, only when the recording information and copy control information has been output from the obtaining device at a speed higher than the reproducing speed,

wherein said copy control information and recording information are output from an information output apparatus for outputting the recording information and the copy control information to the information recording apparatus,

said information output apparatus comprises:

a generating device for generating the copy control information comprising first copy control information indicating a number of times which the recording information can be recorded;

a multiplexing device for multiplexing the copy control information, which is generated by the generating device, and the recording information;

an output device for outputting the multiplexed information to the information recording apparatus; and

a determining device for determining whether an instruction for a high-speed distribution is issued where the recording information is distributed at a higher speed than the reproducing speed;

wherein, the generating device generates a sign that indicates no more copies are allowed as the copy control information if it is determined that the instructions for high-speed distribution is issued; and

wherein the sign that indicates no more copies is generated at the information output apparatus before being transmitted to the recording apparatus, such that the information recording apparatus records the recording information and the copy control information into the recording medium without further modifying the copy control information.--

Allowable Subject Matter

Claims 1, 4-7, 9, 11-14, 16-18, 23, 26, 28-32, 37-38, and 49-51 are allowed.

The following is an examiner's statement of reasons for allowance: The above mentioned claims are allowable over the prior arts because the CPA (Cited Prior Arts) of record taken singly or in combination fail to anticipate or render obvious the specific added limitations, as recited in independent claims 1, 7, 9, 18, 26, 32, 38, & 51 and subsequent dependent claims.

The CPA does not teach or suggest an apparatus/medium/method of determining whether an instruction for a high speed distribution is issued by an information output device, within an environment to enforce copy controls, where if the recording information is distributed at a higher speed than the reproducing speed the device generates a sign indicating that no more copies are allowed as the copy control information before it is transmitted to the recording apparatus. Furthermore, once this copy control information is modified before transmission to the recording device, the recording device then stores the modified copy control information

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without further modifying the copy control information. For these reasons, in combination with other limitations, the CPA fails to teach or render obvious the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nadia Khoshnoodi whose telephone number is (571) 272-3825.

The examiner can normally be reached on M-F: 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

/Nadia Khoshnoodi/
Examiner, Art Unit 2437
5/4/2009

NK

/Emmanuel L. Moise/
Supervisory Patent Examiner, Art Unit 2437